

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHAEL WAITS,
individually and on behalf of those similarly situated,

Plaintiff,

v.

Case No. 18-cv-771-pp

U-LINE CORPORATION,

Defendant.

**ORDER GRANTING JOINT MOTION FOR PRELIMINARY APPROVAL OF
CLASS AND COLLECTIVE ACTION SETTLEMENT (DKT. NO. 29) AND
APPROVING STIPULATION TO CERTIFY THE RULE 23 CLASS AND THE
COLLECTIVE CLASS ACTION (DKT. NO. 30)**

On January 11, 2019, the parties filed a joint motion for preliminary approval of class and collective action settlement. Dkt. No. 29. The parties attached their settlement agreement, dkt. no. 29-1, and submitted a brief explaining why they believe the settlement is fair, reasonable, and adequate, dkt. no. 33. The parties also applied the Rule 23(a) and (b) standards to the proposed Rule 23 class of all hourly employees employed by the defendant between May 21, 2016 and November 14, 2018 and identified in exhibit A to the settlement agreement. Dkt. Nos. 30, 29-2.

The court **FINDS** that the settlement agreement (dkt. no. 29-1) appears to be fair, reasonable and adequate, **GRANTS** the joint motion for preliminary approval of class and collective action settlement (dkt. no. 29) and **APPROVES** the parties' joint stipulation to certify a collective action under 29 U.S.C. §216(b) and to certify a class action under Fed. R. Civ. P. 23 (dkt. no. 19).

The court **APPOINTS** Michael Waits as class representative of the Rule 23 Class and the 29 U.S.C. §216(b) Collective Class.

The court **APPOINTS** Hawks Quindel, S.C. as class counsel for the certified Fed. R. Civ. P. 23 Class and the 29 U.S.C. §216(b) Collective Class.

The court **FINDS** that the parties' Notice of Class Action Settlement (dkt. no. 29-3) is the best notice practicable under the circumstances for distribution to all putative members of the Rule 23 Class and the Collective Class. The court **FINDS** that the parties' Notice of Class Action Settlement constitutes valid, due and sufficient notice for distribution to the Rule 23 Class and Collective Class Members and **ORDERS** that:

1. Class counsel shall mail the Notice of Class Action Settlement to the class members within **seven (7) days** of this order;
2. Putative Collective Class members may file a consent form **within thirty days** of the notice's mailing;
3. Any individual who wishes to exclude himself or herself must opt out per the instructions set forth in the Notice **within thirty days** of the mailing of the Notice;
4. Any individual who wishes to exclude himself or herself from the Rule 23 settlement shall be bound by any court order granting final approval of settlement;
5. Any Rule 23 Class member who wishes to object in any way to the proposed Settlement Agreement must file and serve those objections in writing—following the instructions in the Notice of

Class Action Settlement—together with copies of all papers in support of his or her position, no later than **thirty days** after the mailing of the Notice of Class Action Settlement;

6. The court **ORDERS** that the parties must appear for a fairness hearing on **May 8, 2019 at 1:30 p.m.** in Room 222 of the federal courthouse at 517 East Wisconsin Avenue, Milwaukee, WI. At that hearing, the court will hear objections from any Rule 23 Class Member who properly objected to the settlement agreement as provided in the notice, and will make its determinations as to the final approval of the settlement and the amount paid to class counsel as attorneys' fees and costs; and
7. Class Counsel shall file a motion for approval of attorneys' fees on or before a date at least **twenty-one days** prior to the fairness hearing. Any supplemental brief in support of final approval of the settlement agreement or in response to any objections to the application for attorneys' fees shall be filed at least seven days prior to the fairness hearing.

Dated in Milwaukee, Wisconsin this 26th day of March, 2019.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge